

REPORT (PART II)
ON
NATIVE-OWNED ENGLISH NEWSPAPERS IN BENGAL
FOR THE
Week ending Saturday, 11th January 1902.

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I.—FOREIGN POLITICS.

14. The *Bengalee* hears that Ismail, the son of Ishak Khan, the ancient pretender to the throne of Kabul, is collecting forces to invade Afghanistan next Spring.

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13th Jan. 1902.

Ismail, who is a Russian *protégé*, will very probably secure at least the moral if not also the material support of Russia.

II.—HOME ADMINISTRATION.

(b)—Working of the Courts.

15. The *Amrita Bazar Patrika* invites the attention of the Chief Justice to the necessity of dispensing with certain

AMRITA BAZAR
PATRIKA,
9th Jan. 1902.

Rules relating to the summoning of jurors.

rules relating to the summoning of jurors. It points out that these rules were framed owing to the difficulty formerly experienced in recruiting a sufficient number of men to try each individual case, and therefore the sets of jurors to try all cases were limited to four. But these difficulties, continues the *Patrika*, no longer exist, and the inconvenience caused by the rules is being prominently felt in the present Sessions, when only 27 jurors have been summoned to try six cases! This means that they have to sit twice and three times during one sessions. There are other inconveniences besides to which jurymen are put, such as being sent away and asked to call on the following day.

The journal lays these facts before the Chief Justice and hopes they will engage his attention, as it should be remembered that serving on a jury is not a remunerative pastime.

16. Continuing its complaint on this subject, the *Amrita Bazar Patrika* writes:—

AMRITA BAZAR
PATRIKA,
10th Jan. 1902.

Ibid.

“One set of jury was engaged in trying a murder case, and another set was summoned to attend the Sessions Court *precisely* at 11 A.M. The latter came *precisely* at 11 A.M., but to their surprise they were told to attend again *precisely* at 3 P.M. So these gentlemen were detained at court uselessly for four hours, as their services could not be availed of till the murder case alluded to above had been finished. But their troubles did not end here. They came again to be told that they must wait to be empannelled till the conclusion of the case that was going on. So, from 11 A.M. till 5 P.M., these gentlemen were kept confined unnecessarily, simply to suit the convenience of the Court. If they were empannelled as soon as they came and asked to attend the following day, they might have been saved some trouble at least. Why this was not done we cannot say; but we are quite certain if any of the jurors had absented himself or been late by a few minutes, owing to unavoidable circumstances, he might have been at once fined heavily and the fine not remitted. The fact is, the Court seeks nobody's convenience, and everyone should seek the convenience of the Court. But this arrangement cannot be just always. The Hon'ble Judges are paid for their work, while the gentlemen of the jury are not. That being the case, we think the jurors should not be inconvenienced for the convenience of the Court, but rather the reverse should be the case. Free service for such a purpose may be all right, but it is going too far to put the jurors to unnecessary inconvenience in addition.”

(d)—Education.

17. Commenting on the authoritative list of text-books issued by the Inspector of Schools, the *Bengalee* is of opinion that the proposed system of employing the vernacular up to the 5th class will prove disastrous to

BENGALIE,
8th Jan. 1902.

The text-books in the Presidency Division.

the best interests of high education. The vernacular system should be confined to the lowest forms, *i.e.*, 8th and 9th classes. The journal also objects to the multiplicity of books and subjects, and considers that Agriculture, Science, Euclid and Sanitation are subjects absolutely beyond the comprehension and ability of most boys of eight or nine years, who would belong to the 7th class. Twelve years to qualify for the Entrance Examination is a waste of time to the student.

It would also be impossible for students of the 5th class to study all text-books and prepare for the ensuing Middle English Scholarship Examination held in September next.

(e)—*Municipal Administration and Local Self-Government.*

BEHAR NEWS,
28th Dec. 1901.

18. The *Behar News* condemns the action of the Monghyr Municipality in demanding a fee of a rupee and the preparation of a plan before rate-payers are permitted to carry out the most trivial repairs to a building, and in forcing on them a "typical standard plan of latrine." It exhorts the city fathers to look after their subordinates, and the Chairman of the Municipality in particular, not to allow dust to be thrown in his eyes. It expresses the wish that all useless Chairmen and Vice-Chairmen of Municipalities be got rid of, and is not at all surprised that the authorities have sought to withdraw the boon of Local Self-Government.

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7th Jan. 1902

19. The *Bengalee* has reason to believe that in reorganising the Road and Conservancy Departments, the Calcutta Municipal authorities have been blinded by a zeal for economy and thus been fatally unjust to many an innocent subordinate. Serious disorganisation attends the whole scheme of reorganisation and reform. Existing appointments are being abolished and those who have risen to higher grades by merit and long service are compelled to accept smaller pay or resign. Re-arrangements of salaries and appointments are being made without preparing a definite scheme before hand, and the changes necessitated by a succession of conflicting and desultory decisions and orders are unworthy of a body, of which Government is the final controlling authority.

That the Municipal authorities are not always keen on economy is clearly shown in the case of the Secretary, who has been granted an increase of Rs. 600 in six months' time : within a year's service he has been voted a salary which seems hardly justified by the nature of the case. This conclusively shows how unfairly and unequally favours are being dispensed among the employes of the Corporation : how the unpatronised many are pushed to the wall, and the patronised few fatten at the public expense. To play fast and loose with the salaries and appointments of employes tends to lower the dignity and prestige of an important public body and to degrade Municipal service below the service of unstable firms and bankrupt companies. Finances of big corporations cannot be managed on the principle of domestic economy as applied to household menials ; and yet it is exactly on such narrow principles that the Corporation of the city of Calcutta is being run at present.

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20. The *Bengalee* reverts to the question of the contracts for the Calcutta Municipal Office, and strongly upholds the opinion of Rai Khetter Nath Chatterjee, Bahadur, retired Executive Engineer, who was a member of the Sub-Committee to which the matter was referred, that the lowest tender, that of Messrs. Sarat Kumar Roy & Co., should be accepted, as it compared very favourably with the next lowest, both as regards the amount as well as the period in which the work was to be completed.

The journal does not believe in departmental work, for the confusion of the supervising and the constructing authorities must lead to bad work and waste of public money.

(g)—*Railways and Communications including canals and irrigation.*

BEHAR NEWS,
20th Dec. 1901.

21. The *Behar News* complains against the Booking Clerk, the Ticket Babu, and the Ticket Collector, Kali Lal by name. The first two are often late in attending to their business, necessitating the detention for 9 hours of passengers bound for the Bengal North-Western Railway, while the Ticket Collector is rude and obnoxious to passengers and joins the Parcel Clerk in levying blackmail on consigners of parcels.

22. The *Bengalee* draws the attention of the authorities to the general

Scarcity of water in the Chuadanga subdivision, Nadia.

scarcity of water which prevails in the Chuadanga subdivision at present. It is believed that the Ickhmati, which is the river of the subdivision, is fast drying up owing to the sand at its source. If the river were once more rendered navigable, it would no doubt, continues the journal, ruin the goods traffic of the Eastern Bengal State Railway, but the inhabitants would be rescued from the ravages of the water famine which is fast approaching.

23. The *Bengalee* learns that the Eastern Bengal State Railway

An alleged partiality.

Administration persuaded the Government to put pressure upon the Bengal Central Railway authorities to discontinue through booking to Kotchandpore so that the entire local traffic might be diverted to their line *via* Shibnibash. It protests against this interference with private enterprise, and is sure that the Government of India will decline to be a party to such a manifest partiality towards a State Railway. The stoppage of the steamer service from Jhenkergocha to Kotchandpore is causing serious inconvenience.

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(h)—General.

24. *Power and Guardian*, with special reference to the action of

Boy Magistrates.

Mr. Weston, of Backergunge, in the case of the Hindu lady, joins the *Amrita Bazar Patrika* in its condemnation of the practice of appointing young magistrates to the charge of districts, and remarks that the blame of any misdeeds they might commit in such situations should be laid at the door of the rulers who appoint them and thus lower the prestige of the Government they form.

25. The *Bengalee* writes as follows :—

Osman Ali and Kailas Kerani.

"So Osman Ali and Kailash Kerani have been discharged after a protracted trial on charges under sections 161, 163 and 215, Indian Penal Code. A special officer, Babu Amrita Lal Mukherji, Deputy Magistrate of Baraset, was deputed to try the case. We are bound to say that the finding has created a profound sense of public disappointment, but we have no right to prejudge. In the absence of the judgment we are not at liberty to pronounce an authoritative opinion, but it was very singular that an important witness, Babu Chintaharan, a Muktear, who was summoned for the prosecution, was not examined, and we are told that he had in his possession important documentary evidence which would have thrown a flood of light on the case. We are curious to know why this witness was not examined. The Deputy Magistrate himself, perhaps, is not responsible for this omission. But the prosecuting officer ought to be asked to explain why he did not examine a witness whom he had summoned and whose evidence, from the information at our disposal, was so material to the issue."

POWER AND GUARDIAN,
5th Jan. 1902.

26. The *Bengalee* relates that at a public auction held on the 22nd of

The Barrackpore Cantonment authorities and Abdul Razak.

March 1897, Abdul Razak, as the highest bidder, became the lessee of the Barrackpore Cantonment tanks. A week later this man deposited a sum of Rs. 568 with the Tax Darogah as security, and a further sum of Rs. 285, for both of which payments informal receipts were given in pencil. A year had hardly elapsed when for no apparent reason a tank, known as the "Cutcherry tank," was taken away from him, and a suit for arrears of rents instituted, in which the Tax Darogah denied the genuineness of the receipts he granted for the moneys received.

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Abdul Razak lost his case in the Lower Court, but, on appeal, the District Judge of Alipore in his judgment remarked that the Darogah "did not keep accounts correctly," and never gave the Secretary of the Cantonment Committee "full and correct information." As far as the first payment was concerned, the judge was of opinion "that there was nothing to show that the receipt was not genuine," and as regards the second instalment of Rs. 285, he believed the money was misappropriated and observed: "Here there are all the elements of dishonesty on the parts of the Tax Darogah."

The "*Bengalee*" thinks that the charges laid at the door of the Tax Darogah are serious enough to call for the strictest scrutiny, and hopes that

the Cantonment authorities will look into the claims of Abdul Razak and repair the wrong done him.

BENGALUR,
5th Jan. 1902.

27. The equal and impartial administration of justice between all classes of His Majesty's subjects in India is, writes the *Bengalee*, one of the main pillars on which the Government rests, and it will be an evil day for both rulers and ruled when the people come to know that justice is not administered impartially. To avoid such a result the Indian Press criticise, advise or suggest, as necessary, but the Government officials resent this and foster the idea that the "Native is discontented and disloyal, and incompetent to offer any suggestion or advice on any matters connected with Government." As a matter of fact the children of the soil are best acquainted with the heart-burning caused by official action in connection with the administration of justice. The treatment received by zamindars who are unfortunate enough to offend the District Magistrate is an instance in point; for the Penal Code, especially those sections which make the zamindar and his agents liable for riots occurring in his zamindari, give a notable handle to the Executive against him.

The District and Sessions Judge, though theoretically the superior officer of the District Magistrate, practically occupies a very inferior position in the district, as his transfer and promotion rest with the head of the Executive Government of the province.

The Joint Magistrate, with his judicial duties, is subordinate to the Executive as well as the Sessions Judge, but the latter is ignored as long as the former is satisfied.

Owing to this state of things the High Court is the only resort of those seeking justice against the Executive.

But apart from the trouble, inconvenience and expense entailed by such a course, there has often been an undue preponderance of Civilian Judges in the constitution of the Criminal Benches of the Bengal High Court, and it is feared that these cases will not be dealt with fairly.

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28. Continuing its articles on this subject, the *Bengalee* writes that it is not an uncommon sight to see a "strong" judge sent to a specially turbulent district, like Backergunge for

Ibid. instance, in order to help the Executive in riding rough-shod over the provisions of the law. The journal points out that it is not the duty of the Judiciary to maintain order, but to see that the methods adopted by the Executive are consistent with the law, so that there are many occasions which arise in the performance of their respective duties, when the District Magistrate and the Sessions Judge must come into collision, and if the latter is subordinate to the Executive power, it is hopeless to expect him to hold his own. In consequence, the confidence formerly reposed in him by the public is fast dying away, and he is gradually coming to be regarded as an instrument in the hands of the Executive. It is a grave political danger, in the opinion of the *Bengalee*, when the prestige of the Judiciary is absorbed in the Executive, and its independence is no longer acknowledged.

In order to free these judges from the damaging influence of the Executive, they should be made directly subordinate in respect of promotion and transfer to the High Court. Such an administrative change would no doubt entail additional expense; but this would be trifling when compared to the incalculable good which would be resultant. Confidence would be restored; and District and Sessions Judges would act as a formidable check on magisterial vagaries and on the oppression of the police, which is a source of perennial trouble to the people in the mufassal.

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29. The *Bengalee* appeals to the Viceroy against the proposal to introduce soldier clerks in appointments of Rs. 200 a month and upwards in the Military Department

Soldier clerks. and the offices subordinate to it. It calls on His Excellency, who is a friend of the Indian clerks, to look into the matter and do justice to them. Hitherto things have gone on well enough without a *corps* of soldier-clerks, and it is difficult to find reasons in justification of this proposal, except, says the writer, they be of a purely military character, which is beyond the comprehension of ordinary mortals.

IV.—NATIVE STATES.

BENGALUR,
7th Jan. 1902

30. The *Indian Mirror*, in a leading article, is considerably surprised to learn that the Raja of Suket, a hill State in the Punjab, has incurred the displeasure of Mr. Anderson, the Commissioner of the Jullunder Division and the Political Superintendent of the State, under the following circumstances:—

It appears that the Raja convicted and sentenced one of his subjects to a year's imprisonment. The man's relations appealed to the Commissioner, who inspected the records twice successively, but found no reason to interfere with the Raja's judgment. Once again the brother of the accused appeared before the Commissioner, who this time came to a different opinion, and, by way of friendly advice, wrote to the Raja to remit the unexpired portion of the man's sentence. The Raja was asked not to construe this into a command, so took no action in the matter. Mr. Anderson, however, wired to the Raja desiring that if the accused had not been released some official of the State should be sent to explain the case to him at Dharamsala. The Raja sent a thanadar, but the Commissioner decided to visit Suket personally, which he did, but refused to accept the Raja's hospitality. The accused, Titu, was brought to the dâk bungalow, where the Commissioner was stopping, and made two charges against the Raja, one to the effect that the Raja had used unbecoming words against the Commissioner, and the other that the Raja had taken a dislike to him (Titu) because the latter had spoken in praise of Mr. Donald, the former vizier of the State, and the father-in-law of Mr. Anderson. During his stay in the dâk bungalow, it is alleged, Mr. Anderson publicly though unsuccessfully invited complaints against the Raja and also openly expressed before some people that he was collecting materials to cause the Raja deposition.

The *Mirror* asks the Viceroy to send for the records of the case of Titu and to institute an enquiry into the facts which the Raja of Suket has set out in his petition to the Punjab Government. Serious unrest, it says, will prevail among the Feudatory Princes if a case like this is disposed of in a summary manner. The Raja of Suket, who has endeared himself to his subjects by his just and benevolent administration, is seriously alarmed at the attitude of the Commissioner towards him, and it is necessary to protect him from harm pending an enquiry into his complaints.

VI.—MISCELLANEOUS.

31. *Power and Guardian* has the following:—

Mr. Pennell. "So the Calcutta High Court having decided on not giving permission to Mr. Pennell to be enrolled as an Advocate of the Court, that gentleman has left for England. This attitude of their lordships towards a member of their own race and profession, has not invested the highest tribunal in the land with any extra dignity in the eyes of the bulk of the population. There is a rumour, for which, however, we cannot vouch, that the question of Mr. Pennell's enrolment was referred to the Secretary of State for India, and that it was that authority who vetoed the permission. We publish the rumour for what it is worth. All that we can say is that the country would have formed a better opinion of the High Court if Mr. Pennell were allowed to practise here as an advocate. The motives of the learned Judges in withholding the necessary permission are known to them alone. What the public thinks, not without some show of reason, is that because Mr. Pennell had the independence to write strongly of the attitude of certain officials, because he exposed a good deal of official dirty linen, because he tried to do justice in spite of the machinations of the all-powerful police, because he did not even hesitate to show up the High Court, he has thus been deprived of his right to practise in His Majesty's Court and put to considerable loss by having had to incur expenditure in coming back to India after what has proved a wild-goose chase. A thoroughly independent advocate like Mr. Pennell would have been an acquisition to the Calcutta Bar, but this is not to be. It would seem that the predominant idea of our present day rulers is to crush even the semblance of independence in every sphere of life. We do not know whether Mr. Pennell intends appealing to his Inn, but if

he does we are sure he will win his case, because his dismissal from the Civil Service for no more heinous an offence than indiscretion and shortness of temper or leaving the shores of India without sanction, cannot justly prove a bar to his joining the bar for which he has duly qualified himself. It is for these reasons that we cannot approve of or support the decision of the Calcutta High Court in the matter of Mr. Pennell's enrolment as an advocate, and we voice the public opinion."

AMRITA BAZAR
PATRIKA,
9th Jan. 1902.

32. The *Amrita Bazar Patrika* says that it has hitherto refrained from making any comments on the Pennell case out of courtesy to Lord Curzon, but now that Mr. Pennell has left India permanently, it ventures to point out some important lessons which may be learnt from the official career of the *ex-Judge*.

As a Government servant Mr. Pennell failed, but as a servant of the people he has met with unparalleled success. He knew that his duty lay in guarding the interests of the people, and he honestly and faithfully discharged it.

The hearty receptions which have been accorded to no other official were accorded him on several occasions on account of his high sense of justice which finally led to his expulsion from the service without even a compassionate allowance! Is this the reward of a man who kept the people fondly attached to British rule?

All these facts, continues the journal, tend to show that an impartial administration of justice is a rarity in India, otherwise Mr. Pennell would not have been idolized. It has also been proved, by the immense popularity Mr. Pennell has attained with the Indians, how grateful they can be when fairly dealt with.

OFFICE OF THE INSPR.-GENERAL
OF POLICE, L. P.,
WRITERS' BUILDINGS,
The 11th January 1902.

H. B. ST. LEGER,
Asst. to the Insp.-General of Police, L. P.